

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER MILLER,

Plaintiff,

v.

IDALVERTO ZALDIVAR-GALVES,

Defendant.

Case No. 1:24-cv-00994-HBK (PC)

CLERK TO ASSIGN CASE TO DISTRICT
JUDGE AND CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 9)


On October 15, 2024, Plaintiff filed a pleading titled "Notice of Dismissal Without Prejudice." (Doc. No. 9, "Notice"). The Notice, signed and dated by Plaintiff on October 9, 2024, states "TO THE CLERK OF COURT: Please dismiss this entire action without prejudice, including all causes of action, as pursuant to Federal Rule of Civil Procedure § 41(a)(1)." (*Id.*). The Notice follows the Court's October 1, 2024, Screening Order, which found that Plaintiff's Complaint failed to state any cognizable federal claim. (*See* Doc. No. 8). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

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1 Accordingly, it is **ORDERED**:

2 The Clerk of Court is directed to assign this case to a district judge, vacate all deadlines
3 and CLOSE this case to reflect Plaintiff's Notice of Voluntary Dismissal without prejudice (Doc.
4 No. 9) consistent with Fed. R. Civ. P. 41(a)(1)(A)(i).

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6 Dated: October 16, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE